HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri S.R. Nayak, CJ

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writt Petition No. 5835 OF 2005

Petitioner Dr. Rashmi Jitpure, S/o Dr. R.K. Jitpure, Aged about 25 Years, R/o C.K. Awas, Q. No. D-3, Ashok Nagar, Sipat Road, Bilaspur (C.G.)

Versus

Respondents

1. State of Chhattisgarh Through :- Secretary Health Department, D.K.S. Bhawan, Raipur (C.G.)
2. Director, Indian Ayurveda Yunani and Homeopathic Medical Science, Raipur (C.G.)
3. Dean, Government Ayurvedic College, Raipur (C.G.)
4. Dr. Geeta Jatav, I.P.G.T. & R.A. (Gujrat Uni Jamnagar Institute of Post graduateTeachers & Research in Ayurveda), Jamnagar, Gujarat.

Present:

Smt. Hamida Siddiqui, learned counsel for the petitioner.

Mr. Yashwant Singh Thakur, learned. Government for the State.

ORAL ORDER

(Passed on 19th of December 2005)

The petitioner herein got admission to B.A.M.S. Course on 19.9.98 in General category, in Government Ayurved College, Raipur. In the final examination of B.A.M.S., the 4th respondent herein who incidentally belongs to Scheduled Caste category and who secured the admission to B.A.M.S. course on the basis of reserved category secured the highest marks in the examination and she was placed in serial No.1 in the merit

list. In that view of the matter, the 4th respondent was given job in the general category. The grievance of the petitioner in this petition is that since the 4th respondent had secured the admission to B.A.M.S. Course on the basis of that she belongs to reserved category, she should not have been allotted the house job treating her as the one from the general category. There is no merit in this contention raised on behalf of the petitioner. It is well settled that a candidate belonging to a reserved category competes with candidates belonging to general category and secures an employment on the basis of his superior merit in the general category, it cannot be said that such a candidate should not have been given appointment against the quota meant for general category of candidates and that he should have been considered only against the quota meant for reserved category to which such candidate belongs. In that view of the matter, what has been done by the respondents in allotting the house-job to the 4th respondent who is admittedly has secured highest marks (1st rank) in B.A. M.S. examination, is unexceptionable. The writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Rao